IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

Writ Petition No. 8013 of 2005

Mr.Yasmeen Mushtag Ahmed Shah ..Petitioner

vs.

The Municipal School Board Malegaon & Ors. ..Respondents

Shri R.D.Suryavanshi for petitioner.
Shri R.D.Rane,Addl.G.P. for respondent nos.1 and 2
Shri S.M.Sabrad for respondent no.3.

CORAM: V.G.PALSHIKAR,Acg.C.J.&
D.B.BHOSALE J.
24th NOVEMBER, 2005

P.C.

. By this petition, the petitioner has claimed a direction that the respondent Municipal School Board, Malegaon be directed to implement the merit list prepared by it in January, 2004 in which the petitioner figured at Sr.No.6. The petitioner averred in the petition that the petitioner received the appointment letter from Zilla Parishad, Nashik. However, the petitioner was likely to be selected by the School Board, she did not accept the appointment letter from Zilla Parishad,Nashik. She was also selected by Municipal Corporation of Greater Mumbai and on the possibility that she may be selected by

School Board she declined that appointment also and these are putforth as reasons for claiming the direction that the list of 2004 be followed.

. The reason why that list was not followed is stated in communication dated 9th March, 2005 as complete procedure for such appointment was not followed. Apart from that even if the petitioner is selected by due process of selection it does not give the petitioner any vested right to appointment, prerogative of appointment being primarily with the employer. Supreme Court of India has settled the position in this regard in A.I.R.1996 S.C.1612. This position is very clearly stated and it is reiterated in 2002(4) SCC 76. In this view of the matter, petition is dismissed.